IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 953/2002
(Umrao Vs. State of Rajasthan)

Date of Order : 07/09/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. J.R.Beniwal for the petitioner.
Mr. Ashok Upadhyay, public prosecutor.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner seeks recalling of the order passed by a Co-ordinate Bench of this Court dated 10.9.2002 in S.B.Cr. Misc. Petition No.574/2001.

There is no provision in the Code of Criminal Procedure, 1973 (for short 'the Code' hereinafter) to review or recall the order except the provision under Section 362 of the Code.

In Adalat Prasad Vs. Rooplal Jindal and Ors., JT 2004 (7) SC, 243, Three Judge Bench of Hon'ble Supreme Court held that Criminal Procedure Code does not contemplate a review of an order. This view has been reiterated by Three Judge Bench of Hon'ble Supreme Court in Subramanim Sethuraman Vs. State of Maharashtra and Anr., 2004 CRI.L.J. 4609, wherein the Hon'ble

Court held that there being no provision under the Code for review of an order made by the same Court.

In view of the aforesaid decisions of Hon'ble Supreme Court, the criminal misc. Petition deserves to be dismissed as there being no power to review the order made by this Court.

The grievance of the petitioner is that there are certain orders of the Revenue Courts which have not been taken note of by the Investigating Agency. It is open for the petitioner to file certified copies of the orders of the Revenue Courts with regard to the land in question and if the petitioner files any such certified copies of the judgments or orders of the Revenue Courts, the Investigating Officer may take the same and investigate.

Accordingly, the instant criminal misc. petition is dismissed.

(H.R.PANWAR),J.

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